

CHANGES: INDEX TO CHANGES IN TMEP 3rd EDITION, REVISION 1

The table below summarizes the changes in the 3rd edition of the TMEP, Rev. 1, dated June 2002.

TMEP SECTION	CHANGE
301	Reference to new TEAS form added.
303.01	Reference to Express Mail deleted.
305.02(e)	Reference to Express Mail deleted.
305.03	Certain trademark documents, including new applications, sent by Express Mail will receive a filing date as of the date of receipt in the USPTO and <i>not</i> the date of deposit with USPS.
305.03(a)-305.03(f)(iv)	Deleted.
306.01	Reference to Express Mail deleted.
309	Reference to Express Mail deleted.
405.05	New - electronic funds transfer.
503.05	Cross reference changed.
503.07	Typographical error in paragraph #2 corrected.
602.01	Power of attorney is void if the attorney is suspended or excluded by the Office of Enrollment and Discipline
603.02	Reference to new TEAS form added.
603.02(a)	Reference to new TEAS form added.
603.02(b)	Powers of attorney relating to more than one application or registration should be filed through TEAS.
603.02(c)	Reference to new TEAS form added.
711	Reference to Express Mail deleted.
712.02	Unsigned response to examining attorney's Office action will be treated as an incomplete response. (This is consistent with §710.03(c) of 2 nd edition of TMEP, Rev. 1, dated August 1997).
714.05(a)(i)	Amendment to the Supplemental Register in a §1(b) application for which no allegation of use has been filed raises a new issue, because the examining attorney must refuse registration on the ground that the mark is not in lawful use in commerce.
715.03(b)	Second paragraph reworded.
716.02	As a general rule, the Office will not suspend an application where an applicant is securing a consent agreement.
807.03	Caselaw updated.
807.14(a)(i)	Typographical error in heading corrected.
816.04	Typographical error corrected.

TMEP SECTION	CHANGE
904.04(d)	Specimen for computer software that shows use of the mark on an Internet web site is acceptable only if the user can download the software from the web site.
904.09	If an applicant submits substitute specimens after filing an amendment to allege use, the applicant must verify that the applicant used the substitute specimen in commerce prior to filing the amendment to allege use, pursuant to 37 C.F.R. §2.59(b)(1).
1102.03	When registration is refused because an applicant in a §1(b) application for which no allegation of use has been filed amends to the Supplemental Register, examining attorney will withdraw refusal if the applicant submits an acceptable allegation of use.
1104.09(e)	If an applicant submits substitute specimens after filing an amendment to allege use, the applicant must verify that the applicant used the substitute specimen in commerce prior to filing the amendment to allege use, pursuant to 37 C.F.R. §2.59(b)(1).
1108.01	Reference to Express Mail deleted.
1109.04	Reference to Express Mail deleted.
1201.02(c)	Example #7 deleted.
1202.02(a)(iii)(A)	Typographical error corrected.
1202.02(a)(iii)(B)	Case citation updated.
1202.02(a)(iv)	Case citation updated.
1202.02(a)(v)	Case citation updated.
1202.02(a)(v)(A)	Case citation updated.
1202.02(a)(v)(B)	Case citation updated.
1202.02(b)	Typographical error corrected.
1207.01(d)(iii)	Typographical error corrected.
1207.04(a)	Typographical error corrected.
1208.02(c)	Reference to pre-printed suspension form deleted.
1209.02	Statement that amendment to Supplemental Register in a §1(b) application for which no allegation of use has been filed does not raise a new issue deleted.
1216.02	Caselaw updated.
1402.11(a)	Revised to clarify pre-2002 classification of the service of “providing an on-line database via global computer networks.”
1604.04	Reference to Express Mail deleted.
1604.07(a)	Case citation updated.
1604.07(f)	Case citation updated.
1604.17(c)	Case citation updated.
1605.03	Reference to Express Mail deleted.

TMEP SECTION	CHANGE
1606.03	Reference to Express Mail deleted.
1703	Typographical error corrected.
1705.04	Reference to Express Mail deleted.
1710.02	Reference to Express Mail deleted.
1711	Reference to Express Mail deleted.
1712.01	Reference to Express Mail deleted.
1712.02	Reference to Express Mail deleted.
1714.01(f)(ii)	Typographical error corrected.